

Page



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,381	07/02/2001	Hamish Donald Stuart Martin	01-493	8455

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EXAMINER

WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/897,381	Applicant(s) MARTIN ET AL.	
	Examiner Liang-che Alex Wang	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2001.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-18 and 20-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-5, 7-18, 20-30 is/are rejected.
 7) ☒ Claim(s) 6 and 19 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 have been examined

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:
3. **Information Disclosure Statements** as received on 10/10/01, 02/06/04, 04/22/02 are considered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Regarding claims 1, 4, 20, 24, 27, 28, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
7. All dependent claims are rejected to as having the same deficiencies as the claims they depend from.

Allowable Subject Matter

8. Claims 6, 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Burgess et al., US Patent Number 5,758,071, hereinafter Burgess.
11. Referring to Claim 1, Burgess has taught a method for reducing a number of events presented in an event list to a user by a network management system, which events are generated by the network management system during the monitoring of a network and may be due to rebooting of a device on the network, the method (Col 4 lines 20-29) comprising:
 - a. receiving an event relating to a device (Col 4 lines 21-22);
 - b. determining whether a more significant event already appears in the event list relating to the device (Col 4 lines 23-30);
 - c. if so, preventing the received event from being presented in the event list to user (Col 4 line 30.)

12. Referring to claim 2, Burgess has further taught wherein the events are assigned a priority value according to the type of event, the priority value indicative of the relative significance of the event, and the step of determining comprises comparing the priority value of the received event with the priority value of existing events in the event list to determine whether a more significant event already appears in the event list (Col 4 lines 22-29.)
13. Referring to claim 3, Burgess has further taught wherein the priority value of the most significant event in the event list is stored in the event list is stored in memory, and the step of comparing comprises comparing the priority value of the received event with the priority value in memory (Col 4 lines 24-26, monitoring and tracking agent is able to determine if an event is going to be keep or ignored, there must be a standard stored in the memory in order to make the determination.
14. Referring to claims 20, 21, 23, claims 20, 21, 23 encompass the same scope of the invention as that of the claims 1-3. Therefore, claims 20, 21, 23 are rejected for the same reason as the claims 1-3.
15. Referring to claims 24, 26, 27, claims 24, 26, 27 encompass the same scope of the invention as that of the claims 1-3. Therefore, claims 24, 26, 27 are rejected for the same reason as the claims 1-3.
16. Referring to claims 28-30, claims 28-30 encompass the same scope of the invention as that of the claims 1-3. Therefore, claims 28-30 are rejected for the same reason as the claims 1-3.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 4, 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Burgess et al., US Patent Number 5,758,071, hereinafter Burgess.

19. Referring to claim 4, Burgess has taught the events with priority levels as

described in claim 3, however, Burgess has not explicitly states the events comprises potential casual events, which may be the most significant event, and side effect events which are of lesser significance. A person with ordinary skill in the art would realize potential casual events definitely are more significant to the side effects events. And a person with ordinary skill in the art would be motivated to rank the potential events in Burgess's WINDOWS NT system a higher significance compared to the side effect events because potential casual events could be the cause of the failure of the system and where side effects are caused by the potential casual events. Therefore it would have been obvious for a person with ordinary skill in the art at the time the invention was made to have Burgess rank his potential casual events higher than it's side effect events.

20. Referring to claims 7-18, claims 7-18 are describing a situation when the events are generated during a computer reboot or failure of IP ping. This is the obvious situation when events are generated and do not granted any patentable weight towards the invention.

Art Unit: 2155

21. Claim 5, 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess in view of Shuster, US Patent Number 6,763,379, hereinafter Shuster.
22. Referring to claim 5, Burgess has not explicitly taught the method prevents received data from being presented for a time interval. However, Shuster has taught if the elapsed time between the trigger events exceeds a predefined time period, the system would allow the unsolicited data to be presented to the user (abstract lines 13-16.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have Burgess's system to allow data to be presented after a predefined time interval as taught by Shuster because both of Burgess and Shuster teaches inventions relating to computer system monitoring.

A person with ordinary skill in the art would have been motivated to make the modification to Burgess because allowing data to be presented after a predefined interval, would avoid the system permanently blocking all the less significant data as taught by Shuster (Col 1 lines 56-62.)

23. Referring to claims 22, and 25, claims 22 and 25 encompass the same scope of the invention as that of the claim 5. Therefore, claims 22 and 25 are rejected for the same reason as the claim 5.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a

Art Unit: 2155

rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made.

Applicant must show how the amendments avoid such references and objections.

See 37 CFR 1.111(c).

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
December 2, 2004

lcw

Hosain Alam
HOSAIN ALAM
SUPERVISORY PATENT EXAMINER